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7 **Attorney for Defendants Mackson, Inc, Zulily, Inc.**
8 **And Burlington Coat Factory Direct Corp.**

9
10 UNITED STATES DISTRICT COURT
11
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 STAR FABRICS, INC.
15 a California Corporation,

16 Plaintiff,

17 vs.

18 MACKSON, INC., a New York
19 Corporation; ZULILY, INC., a
20 Delaware Corporation; BURLINGTON
21 COAT FACTORY DIRECT CORP., a
22 Delaware Corporation; and DOES 1
23 through 10,

24 Defendants.
25
26

) Case No. 2:15-CV-05075-DSF-RAO
)
) NOTICE OF MOTION FOR LEAVE
) TO WITHDRAW AS COUNSEL FOR
) MACKSON, INC., ZULILY, INC. AND
) BURLINGTON COAT FACTORY
) DIRECT CORP.

) Judge: Hon. Dale S. Fischer
) Room: 805
) Date: May 9, 2016
) Time: 1:30 p.m.
)
)
)
)

27 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

28 PLEASE TAKE NOTICE that on May 9, 2016, at 1:30 p.m., or as soon
29 thereafter as the matter may be heard in the above-entitled Court, located at 255
30 East Temple Street, Los Angeles, California 90012, Alan M. Klein of the Law
31 Office of Alan M. Klein Corp. ("Alan M. Klein") will move to be relieved as

32 NOTICE OF MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR MACKSON,
INC., ZULILY, INC. AND BURLINGTON COAT FACTORY DIRECT CORP.

1 attorney of record for defendants Mackson, Inc. (“Mackson”), Zulily LLC,
2 successor in interest to Zulily, Inc. (“Zulily”) and Burlington Coat Factory Direct
3 Corp. (“Burlington”) in this action pursuant to Local Rule 83-2.3.2 of the United
4 States District Court for the Central District of California and Rule 1.16(b) of the
5 ABA Model Rules of Professional Conduct.

6
7 Miskin & Tsui-Yip LLP (“Miskin & Tsui-Yip”), a New York law firm, is
8 defendant Mackson’s counsel for intellectual property matters. Alan M. Klein is
9 appearing as the attorney for Mackson, Zulily and Burlington through Miskin &
10 Tsui-Yip.

11
12 The reasons for this request are that (1) Mackson has failed to respond to
13 requests by Miskin & Tsui-Yip to provide necessary information for
14 representation, (2) Mackson has failed and refuses to pay the invoices issued for at
15 least the last six (6) months by Miskin & Tsui-Yip, and (3) there has been a total
16 breakdown in the attorney-client relationship that has made it impossible for
17 Miskin & Tsui-Yip to represent Mackson, Zulily and Burlington in a meaningful
18 fashion. Additionally, Andrew V. Jablon of Resch Polster & Berger LLP, who has
19 already appeared in this action, will continue to be counsel of record for
20 Burlington. Zulily and Burlington are currently finalizing the terms of a settlement
21 of this matter.

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23 The motion will be based on this Notice of Motion and Motion, the
24 accompanying Memorandum of Points and Authorities, Declaration of Alan M.
25 Klein (“Klein Decl.”) and Declaration of Wendi Oppen Uzar (“Uzar Decl.”) in
26

1 support thereof and submitted concurrently herewith. Also submitted herewith is a
2 Proposed Order.

3
4 Dated: April 6, 2016

/s/ Alan M. Klein
Alan M. Klein
Attorney for Defendants

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action and a member of the bar of this court. My business address is 16311 Ventura Blvd., Suite 1200, Encino, California 91436.

I hereby declare that on April 6, 2015, a copy of the foregoing documents was filed with the United States District Court for the Central District of California in accordance with its Electronic Case Filing (ECF) procedures and served upon the attorneys of record for the parties to this action thru ECF via e-mail thru ECF to:

Stephen M. Doniger, Esq. (SBN 179314) Attorneys for Star Fabrics
 Scott A. Burroughs, Esq. (SBN 235718)
 Howard S. Han (SBN 243406)
 DONIGER / BURROUGHS
 603 Rose Avenue
 Venice, California 90291

Mark Brutzkus, Esq. Attorneys for Ross Stores
 Jeffrey A. Kobulnick, Esq.
 Brutzkus Gubner Rozansky Seror Weber LLP
 21650 Oxnard Street, Suite 500
 Woodland Hills, CA 91367-4911

Andrew V. Jablon, Esq. Attorneys for Burlington
 Resch Polster and Berger LLP Coat Factory, Inc.
 1840 Century Park East, 17th Floor
 Los Angeles, CA 9067

I also, on said date, mailed a copy of the foregoing document, by first class mail, with postage pre-paid, addressed to:

Harjeet Monga
 Chief Financial Officer
 Mackson, Inc.
 40 Gazza Blvd.
 Farmingdale, NY 11735

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct. Executed this 6th day of April, 2016, at Los Angeles, California.

/s/ Alan M. Klein

 Alan M. Klein